




Re: Fw: Port Heiden Landfill 
Dave Bartus to: Dean Ingemansen
Cc: Frank Powers

11/04/2010 06:32 PM

A few thoughts, also in the context of FYI.

There still seems to be considerable confusion as to whether the Class III landfill is on-site or off-site with regard to the Port Heiden cleanup. Given that ADEC issued a stand-alone permit to the Native Village seems consistent with the notion that the landfill is not on-site under CERCLA.

I'm not all that familiar with the ADEC solid waste regulations, but it seems that there is confusion between a risk assessment under contaminated sites/cleanup rules, and a risk assessment related to disposal of "polluted soils" in a state-equivalent of a Part 257/258 (EPA minimum standards rules for solid waste landfills). The EPA TSCA regulations have similar provisions for establishing cleanup levels for high occupancy areas. More specifically, see 40 CFR 761.61(a)(4)(i)(A). So, after further thought on the two ADEC documents authorizing the Class III landfill and disposal of <10 ppm soils from the Port Heiden cleanup, I'm thinking there is confusion between cleanup (that governs what is left in place) and disposal (what has been removed as part of cleanup and must be disposed of elsewhere) requirements.

Sorry I may not be entirely clear on this, but I'm finding that almost every aspect of the Port Heiden exercise as overseen by the Air Force has been procedurally and administratively bizarre.

That's all for this evening.....

Dean Ingemansen

[Frank, I've reviewed your changes and I'd leave...](#)

11/04/2010 02:15:57 PM

From: Dean Ingemansen/R10/USEPA/US
To: Frank Powers/R10/USEPA/US@EPA
Cc: Dave Bartus/R10/USEPA/US@EPA
Date: 11/04/2010 02:15 PM
Subject: Re: Fw: Port Heiden Landfill

Frank,

I've reviewed your changes and I'd leave them as-is. The rest of this email is a FYI.

While the Alaska regs for soil cleanup (18 AAC 75.341) state that PCBs in soils must be cleaned up to 1 ppm, there is a provision that allows for up to 10 ppm if the contaminated soil is "capped" (see "note 9" to table B1 in 18 AAC 75.341), or cleaned up to a different level if done so pursuant to a risk assessment meeting the requirements of 18 AAC 75.340.

Thus....

I would say that ADEC likely set the 10 ppm level based on the fact that the landfill would be "capped"....ADEC told Port Heiden in the Class III landfill permit (and agreed with the USAF in the ROD) that the limit was to be 10 ppm I would assume that the RI/FS which supported the issuance of the ROD did in fact contain a "risk assessment" which would have supported the 10 ppm limit.

Thus....

Either a risk assessment was done for PCB soils (pursuant to 18 AAC 75.340) in the RI/FS, and then the

ROD set a "site specific" limit for PCBs of 10 ppm for soils going in the Port Heiden landfill; or both the ROD and the ADEC permit relied on 18 AAC 75.341, note 9, Table B1, to set the limit at 10 based on the fact that the PCB soils would be "capped".

If you want a copy of the ADEC regs, just type the citations above into Google....

-Dean

Frank Powers

Dean, Attached pls find the para 11, page 6, sug...

11/04/2010 01:46:33 PM

From: Frank Powers/R10/USEPA/US
To: Dean Ingemansen/R10/USEPA/US@EPA
Date: 11/04/2010 01:46 PM
Subject: Fw: Port Heiden Landfill

Dean,

Attached pls find the para 11, page 6, suggested re-write based on my chat with Dave on the land's prohibition of no more than 10 ppm.

Regards & Thanks

Frank

[attachment "11 for Dave.docx" deleted by Dean Ingemansen/R10/USEPA/US]
[attachment "2009-5-29 SW3A069-14 Port Heiden.pdf" deleted by Dean Ingemansen/R10/USEPA/US]
[attachment "2009-5-29 Port Heiden polluted soil approval.pdf" deleted by Dean Ingemansen/R10/USEPA/US]

----- Forwarded by Frank Powers/R10/USEPA/US on 11/04/2010 12:43 PM -----

From: Dave Bartus/R10/USEPA/US
To: Frank Powers/R10/USEPA/US@EPA
Date: 11/04/2010 11:49 AM
Subject: Fw: Port Heiden Landfill

Here's the information from ADEC, and a second revision to the paragraph you sent me reflecting information from the two new ADEC documents.

Dave

[attachment "11 for Dave.docx" deleted by Dean Ingemansen/R10/USEPA/US]

----- Forwarded by Dave Bartus/R10/USEPA/US on 11/04/2010 12:51 PM -----

From: "Aldrich, Lori (DEC)" <lori.aldrich@alaska.gov>
To: Dave Bartus/R10/USEPA/US@EPA
Date: 11/04/2010 12:39 PM
Subject: Port Heiden Landfill

Dave,

Attached is the permit for the landfill and the approval for disposal of the contaminated soil. Let me know if you have any other questions.

<<2009-5-29 SW3A069-14 Port Heiden.pdf>> <<2009-5-29 Port Heiden polluted soil approval.pdf>>

Lori

Lori Aldrich

Solid Waste Program Coordinator

Department of Environmental Conservation

555 Cordova Street

Anchorage, AK 99504

(907) 269-7622[attachment "2009-5-29 SW3A069-14 Port Heiden.pdf" deleted by Dean Ingemansen/R10/USEPA/US] [attachment "2009-5-29 Port Heiden polluted soil approval.pdf" deleted by Dean Ingemansen/R10/USEPA/US]